



MINUTES

PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE

Tuesday, October 16, 2018 | 1:15 p.m. | 445 State Capitol

Members Present:

Sen. Lyle W. Hillyard, Senate Chair
Rep. Robert M. Spendlove, House Vice Chair
Sen. Lincoln Fillmore
Sen. Jani Iwamoto
Sen. Ann Millner
Sen. Howard A. Stephenson
Rep. Patrice M. Arent
Rep. Joel K. Briscoe
Rep. LaVar Christensen
Rep. Steve Eliason
Rep. Karianne Lisonbee
Rep. Jefferson Moss
Rep. Susan Pulsipher
Rep. Adam Robertson

Rep. V. Lowry Snow

Members Absent:

Rep. Daniel McCay, House Chair
Sen. J. Stuart Adams
Sen. Jerry W. Stevenson
Sen. Daniel W. Thatcher
Rep. Kyle R. Andersen
Rep. Francis D. Gibson

Staff Present:

Mr. Sean C. Faherty, Fiscal Analyst
Mr. Ben Leishman, Fiscal Analyst
Ms. Karen C. Allred, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Hillyard called the meeting to order at 1:18 p.m.

Chair Hillyard announced that Rep. McCay, as well as others on the Executive Appropriations Committee, are excused from this meeting because they are on a tour.

Chair Hillyard announced that copies of the audit for our second agenda item is available.

1 . Approve Minutes

MOTION: Sen. Fillmore moved to approve the minutes of the June 7 and August 14, 2018 meetings. The motion passed with a vote of 9 - 0 - 12.

Yeas-9

Rep. P. Arent
Rep. J. Briscoe
Rep. S. Eliason
Sen. L. Fillmore
Sen. L. Hillyard
Sen. J. Iwamoto
Rep. J. Moss
Rep. S. Pulsipher
Rep. A. Robertson

Nays-0

Absent-12

Sen. J. Adams
Rep. K. Andersen
Rep. L. Christensen
Rep. F. Gibson
Rep. K. Lisonbee
Rep. D. McCay
Sen. A. Millner
Rep. V. Snow
Rep. R. Spendlove
Sen. H. Stephenson
Sen. J. Stevenson
Sen. D. Thatcher

2 . Performance Audit of Secondary School Fees

Mr. Brian Dean, Audit Manager, Office of the Legislative Auditor General, explained that the audit was requested by legislators because of concerns about secondary school fees. Mr. Jake Dinsdale, Audit Supervisor, Office of the Legislative Auditor General, and Mr. Dean explained the audit of Secondary School Fees.

[2-A Performance Audit of Secondary School Fees](#)

[2b-School Fees Update USBE](#)

Sen. Fillmore and Chair Hillyard asked about the definition of a "fee" in the statute is clear enough with a response from Mr. Dinsdale. Mr. Dinsdale continued with his explanation.

Rep. Briscoe and Rep. Pulsipher asked about the items listed in the fee schedule and optional items, with a response from Mr. Dinsdale. Mr. Dinsdale continued with his explanation.

Sen. Stephenson, Rep. Christensen, Sen. Hillyard, and Rep. Lisonbee, asked or made comments about fees related to the audit, with responses from Mr. Dinsdale, Mr. Ben Leishman, Fiscal Analyst, Office of Legislative Fiscal Analyst, and Mr. Dean.

Ms. Brittney Cummins, Vice-Chair, Utah State Board of Education (USBE), Ms. Angie Stallings, Deputy Superintendent of Policy, USBE, and Mr. Scott Jones, Deputy Superintendent of Operations, USBE, introduced themselves and Ms. Cummins gave a presentation of the Board's response to the Performance Audit of Secondary School Fees.

Ms. Stallings discussed the task force members created shortly after the audit, to update the board rule that governs school fees.

Mr. Jones explained the plan to correct the problem of Secondary School Fees, with no new funding currently required.

Sen. Hillyard, Sen. Fillmore, Sen. Stephenson, Rep. Christensen, Rep. Lisonbee, Rep. Snow, Rep. Robertson made comments and asked questions concerning USBE's response to the audit on school fees. Ms. Stallings and Mr. Jones responded.

3 . Line Item Performance Measures

Dr. Sydnee Dickson, State Superintendent, USBE, and Ms. Stallings, explained the most recent performance measure data on 13 general categories and some specific items.

Sen. Millner made a comment that some assessments show comparison, not improvement. Superintendent Dickson responded and continued with her presentation.

Ms. Stallings and Ms. Cummins explained proposed changes to the upcoming base budget bill.

Sen. Stephenson commented on his appreciation for these base budget changes.

Mr. Leishman explained changes of leadership for a quorum.

Rep. Briscoe asked about minimum school program performance measure with a response from Superintendent Dickson.

MOTION: Rep. Spendlove moved to accept the "Proposed Changes to the Base Budget Bill" for the performance measures listed at the end of the "Line Item Performance Measures" presentation by the State Board of Education and posted online under today's meeting materials. The motion passed with a vote of 10 - 0 - 11.

Yeas-10

Rep. P. Arent
Rep. J. Briscoe
Sen. L. Hillyard
Sen. J. Iwamoto
Rep. K. Lisonbee
Sen. A. Millner
Rep. J. Moss
Rep. A. Robertson
Rep. R. Spendlove
Sen. H. Stephenson

Nays-0Absent-11

Sen. J. Adams
Rep. K. Andersen
Rep. L. Christensen
Rep. S. Eliason
Sen. L. Fillmore
Rep. F. Gibson
Rep. D. McCay
Rep. S. Pulsipher
Rep. V. Snow
Sen. J. Stevenson
Sen. D. Thatcher

4 . Line Item Nonlapsing Balances

Mr. Leishman gave a brief overview of an issue brief on nonlapsing balances.

[4a-Public Education - Nonlapsing Balance Authority](#)

Mr. Jones gave an overview of nonlapsing balances remaining from the close of FY 2018 by appropriation line-item, and welcomed questions. Mr. Jones introduced Ms. Jamie Barrett, Minimum School Program Director, USBE and Ms. Barrett highlighted some of the specific nonlapsing balances.

Ms. Natalie Grange, Assistant Superintendent of Financial Operations USBE explained an FY 2018 Carry Forward graph. Mr. Jones made a correction on his presentation.

[4b-MSP Carry Forward Balances FY 2018_USB](#)[4c-USBE Line Items Carry Forward Balances FY 2018_USB](#)

MOTION: Rep. Spendlove moved that the State Board of Education prepare a detailed list of the source of the nonlapsing balances and all planned expenditures, by line item (excluding the Minimum School Program), for discussion by the subcommittee during the 2019 General Session base budget review process. The motion passed with a vote of 10 - 0 - 11.

Yeas-10

Rep. P. Arent
Rep. L. Christensen
Sen. L. Hillyard
Sen. A. Millner
Rep. J. Moss
Rep. S. Pulsipher
Rep. A. Robertson
Rep. V. Snow
Rep. R. Spendlove
Sen. H. Stephenson

Nays-0Absent-11

Sen. J. Adams
Rep. K. Andersen
Rep. J. Briscoe
Rep. S. Eliason
Sen. L. Fillmore
Rep. F. Gibson
Sen. J. Iwamoto
Rep. K. Lisonbee
Rep. D. McCay
Sen. J. Stevenson
Sen. D. Thatcher

5 . Special Education - Intensive Services

Mr. Leishman explained an issue brief on Special Education - Intensive Services and gave recommendations.

[5a-Special Education - Intensive Services Summary](#)

Sen. Stephenson asked about the funding for Special Education-Intensive Services with a response from Mr. Leishman and Mr. Leishman continued with his presentation.

Sen. Stephenson asked if high cost students were included with the low cost students, and if Mr. Leishman is confident in the accuracy of the reporting. Mr. Leishman responded and continued with his presentation.

Mr. Jones introduced Mr. Neil Stevens, Education Coordinator for Special Education, USBE. Mr. Stevens and Ms. Grange explained the boards comments to the Special Education Intensive Services.

[5b-Special Education Intensive Services Memo_USB](#)

Rep. Christensen mentioned that he is working on legislation for Special Education.

Rep. Briscoe asked about recommendations on funding for Special Education with a response from Mr. Stevens.

Sen. Millner gave a follow-up comment on Rep. Christensen's comment.

Sen. Stephenson asked about the 2nd recommendation for Special Education with a response, and comment from Chair Hillyard and a response from Ms. Grange.

Sen. Millner asked if intent language was part of the recommendation, with a response from Mr. Leishman and Rep. Christensen.

MOTION: Rep. Spendlove moved to direct staff to prepare statutory or intent language to implement the recommendations listed in the "Minimum School Program – Special Education Intensive Services" brief dated October 16, 2018 for further discussion during the 2019 General Session.

Rep. Christensen asked a question about intent language in statute. Chair Hillyard responded.

Rep. Spendlove's motion to move to direct staff to prepare statutory or intent language to implement the recommendations listed in the "Minimum School Program – Special Education Intensive Services" brief dated October 16, 2018 for further discussion during the 2019 General Session. passed with a vote of 11 - 0 - 10.

Yeas-11

Rep. P. Arent
Rep. J. Briscoe
Rep. L. Christensen
Sen. L. Hillyard
Sen. A. Millner
Rep. J. Moss
Rep. S. Pulsipher
Rep. A. Robertson
Rep. V. Snow
Rep. R. Spendlove
Sen. H. Stephenson

Nays-0

Absent-10

Sen. J. Adams
Rep. K. Andersen
Rep. S. Eliason
Sen. L. Fillmore
Rep. F. Gibson
Sen. J. Iwamoto
Rep. K. Lisonbee
Rep. D. McCay
Sen. J. Stevenson
Sen. D. Thatcher

6 . Follow-up Items from Past Meetings

Chair Hillyard summarized two issues. First, an update on the Charter School Formula, still being worked on and not ready for explanation. Second, staff has prepared a comparison of budget priorities from the 2018 General Session. This list includes the budget items approved by the subcommittee compared to what was funded by the Legislature in the final budget.

[6a-2018 Session Comparison of Subcommittee Priorities](#)

MOTION: Rep. Spendlove moved to recommend to the Executive Appropriations Committee to include a one-time appropriation of \$65,150,000 from the Teacher and Student Success Account to the Minimum School Program – Flexible Allocation Program in the FY 2020 base budget bill.

Mr. Leishman explained the reason for this motion. Namely, the Legislature appropriated \$65,150,000 one-time from the Teacher and Student Success Account to the MSP - Flexible Allocation program. When the base budget is drafted, this funding will not be included. In order for the total public education budget to not look less than the current year, staff recommends that the Legislature include another one-time appropriation from the fund. The base bill is only the starting point for the budget, so the Legislature can change the funding as needed through the session.

Sen. Stephenson asked for clarification that taking this actions maintains the status quo. Mr. Leishman responded that he is correct.

Rep. Spendlove's motion to move to recommend to the Executive Appropriations Committee to include a one-time appropriation of \$65,150,000 from the Teacher and Student Success Account to the Minimum School Program – Flexible allocation Program in the FY 2020 base budget bill. passed with a vote of 10 - 0 - 11.

Yeas-10

Rep. P. Arent
Rep. L. Christensen
Sen. L. Hillyard
Sen. A. Millner
Rep. J. Moss
Rep. S. Pulsipher
Rep. A. Robertson
Rep. V. Snow
Rep. R. Spendlove
Sen. H. Stephenson

Nays-0**Absent-11**

Sen. J. Adams
Rep. K. Andersen
Rep. J. Briscoe
Rep. S. Eliason
Sen. L. Fillmore
Rep. F. Gibson
Sen. J. Iwamoto
Rep. K. Lisonbee
Rep. D. McCay
Sen. J. Stevenson
Sen. D. Thatcher

7 . Necessarily Existent Small Schools (NESS)

Mr. Jones reported on the progress of an interim study on the NESS formula.

8 . Career & Technical Education - Maintenance of Effort

Mr. Jones asked for Thalea Longhurst, Director of Career & Technical Education, USBE, to explain this maintenance of effort for Career & Technical Education and the Carl Perkins grant program. The new law allows the a federal maintenance of effort requirements.

Rep. Arent asked about the anticipated changes and how they will impact students, with a response from Ms. Longurst.

9 . Other Business

There was no other business.

10 . Adjourn

MOTION: Rep. Spendlove moved to adjourn. The motion passed with a vote of 7 - 0 - 14.



Yeas-7

Rep. P. Arent
Rep. L. Christensen
Sen. L. Hillyard
Rep. S. Pulsipher
Rep. A. Robertson
Rep. R. Spendlove
Sen. H. Stephenson

Nays-0

Absent-14

Sen. J. Adams
Rep. K. Andersen
Rep. J. Briscoe
Rep. S. Eliason
Sen. L. Fillmore
Rep. F. Gibson
Sen. J. Iwamoto
Rep. K. Lisonbee
Rep. D. McCay
Sen. A. Millner
Rep. J. Moss
Rep. V. Snow
Sen. J. Stevenson
Sen. D. Thatcher

Chair Hillyard adjourned the meeting at 3:47 p.m.